G. R. S. 59] 923 GPB—15,000—20-12-13

GENERAL AND REVENUE SECRETARIAT.

1898-99
~~191~~
Police

File No. 111

Serial Nos. 1—5
1—6

Papers Filed.

Month Nov 1898

SUBJECT.

Irregular Procedure of arrest by a Constable of the North Arcot ~~Dist~~ Police within the Mysore Territory——

P Siri Rau

PREVIOUS REFERENCES.	LATER REFERENCES.
	Commissioner's Cp. 85-22 (1-4) 257-25 (1-4)

1 (P) 8

Note

On or about the 7th June 1920, two subjects of the Mysore State were arrested without a warrant at Gulbargal (Kolar Dt.) by a British India Police Constable for having kidnapped a girl in British territory. The Amildar Magistrate of Gulbargal remanded the Accd persons to the custody of the British Constable

Kidnapping in itself is a cognizable offence; but as S. 50 of the Cr: Pro: Code of British India applies only to British India, the arrest of the Accd in Mysore territory, whether with or without a warrant was unauthorised. Even if the Accd had been native Indian subjects of His Majesty, there is nothing in the Foreign Jurisdiction Act (45 & 46 Vict. C. 54) to permit of British Police Officers arresting them in foreign territories and unless as promised by the Kolar Dt. Magistrate in paragraph 3 of his letter

This must be among the papers - Must not this be referred to Govt?
16/7/20.

The District Magistrate rightly assumes that this is a fact - Q.
16/7/20

I am not quite sure about this. Section 8 Cl. (1) Legality of such procedure of the accused is a native Indian subject of His Majesty - However that may be (& no reference to this need be made in

The proper course was for the British Police to have procured a warrant from a British Magte, which warrant under the Chief Commr's Notfn No. 111 of the 23rd July 1890, might be executed in Mysore as if it was the warrant of a Mysore Magte having jurisdiction.

The action of the Amildar Magte of Mulbagal was also unauthorized, ~~[illegible]~~ and he should not have granted the remand without a warrant from a British Indian Magte

If approved, the facts may be ~~[illegible]~~ the Resident to be ~~[illegible]~~ brought to the notice of the Madras Govt; and the Amildar Magte may be ordered to be fined and to pay the costs of the prosecution.

Submitted

15/5/98

(Your letter to the Resident) It seems clear that the subject of the dispute & late encroachment was within the ancient limits of Mulbagal Taluk

Copy sent with

Yes.

Mulbagal Taluk

Ended to 1st Nov

18/8/98

9518/

I agree in the view taken by the Resident & that the Amildar Magte of Mulbagal was not authorized to grant a warrant under Notfn No 111 dated 23rd July 1890 for the arrest of persons residing in Mysore. The Amildar Magte should be informed accordingly.

[illegible]

SECTION	Pol
FILE No.	111 of 97.
SER'AL No.	

27 Note (5)

The order quoted by Mr Handiside as Police order No 115 in his report to the Deputy Commissioner is taken from the orders of the Madras Police.

Para 157 page 93 of Vol I of the Orders of the Madras Police published under authority in 1897 stands as follows.

No arrest can take place in foreign territory without a warrant and the warrant must go through the regular channel. The proper course to pursue

the paragraph read exactly as quoted by Mr Handiside Subd Dept 29/8/97 in answer which query also the report of Mr Handiside

Subj.
(1) There are no similar instances
(2) The question was discussed in
S. Nos 6, 8, 9, 10 & 12 in Sect^n A of the file
(3) Act/put up.
This was different
BRR
13/8/98

SECTION [illegible]
FILE No. 111 of 98
SER AI No. 1

J 151

874
3-8-98. 1898

(1)

From

The Inspector General of Police in Mysore.

To

The Secretary to the Govt. of Mysore, General and Revenue Depts.

Dated

Despatched 31 July 1898

Received 3 Aug

General No. 525

No. 49

Enclosure No. 2

Submitting for orders copies of Correspondence from the D.C. Kolar regarding the arrest without warrant by a Constable of the Nd Distt Police of Mysore subjects.

J 3/8/98

J. 7 Nos 29 1892-98 on the subject put up & laid for orders pf.
BRR
4/8/98

Prof. Are there no instances of unauthorised arrests by British Police in Mysore? If so, put up. I remember this question was discussed in some Districts a year or two ago. Where are they? Also put up the Instructions &c.
DTG
4/8/98

OFFICE OF THE

INSPECTOR GENERAL OF POLICE IN MYSORE.

No. 525
49
Enc. 2

Dated, Bangalore, 31. July. 1898
1 Aug

FROM

THE INSPECTOR GENERAL OF POLICE IN MYSORE.

To

THE SECRETARY TO THE GOVT. OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

SIR,

I have the honor to submit for orders of Government copies of correspondence from the Deputy Commissioner, Kolar, bringing to notice the arrest without a warrant by a Constable of the North Arcot District Police of Mysore Subjects within Mysore Territory for an alleged offence committed in British Territory. As remarked by the

District

District Magistrate, Section 58 of the Criminal Procedure Code does not apply to the present case and the British Police are not competent to make any arrest without warrant in the Mysore Territory. If the Government agree in this view, I beg that the matter may be brought to the notice of the Madras Government so as to prevent a repetition of such illegal arrests on the part of the Madras Police.

I have the honor to be
Sir
your most obedient Servant,

K Chandy

for Inspector General of Police

N.

1898 a

From

The Deputy Commissioner

Kolar District.

To

The Inspector General

of Police in Mysore

Bangalore.

Dated 23rd
Despatched do } July 1898.
Received

General No. 384
No. 108

Enclosure No. 1

Sir,

I have the honor to forward herewith a memo from the Superintendent of Police, Kolar District, regarding the powers of Police officers in British India to make arrests in the Mysore Territory without a Magistrate's warrant.

2. Section 58 of the Criminal Procedure Code which is in force in British India empowers the British Police to pursue an offender whom they are authorized to arrest

arrest to any place in British India. In the present case referred to by the Superintendent, the accused who are the subjects of the Mysore State were arrested at Mulbagal by a constable of the North Arcot District on a charge of kidnapping a minor girl, an offence under Section 363 Indian Penal Code. The accused were thus not in British India at the time of arrest, and the procedure adopted by the British Police in acting without a Magistrate's warrant appears illegal.

3. The Foreign Jurisdiction and Extradition Act gives certain powers to British officers in places even beyond British India, and section 8 of that Act extends the law relating to the Criminal Procedure to all native Indian subjects of Her Majesty living beyond such limits. Under this extended power the action of the constable would have been legal, if the accused had been the native Indian subjects of Her Majesty but they were the subjects of His Highness the MahaRajah of Mysore.

4. As this is a general question which concerns the whole Province, a definite ruling is necessary for the guidance of the Police and the Magistracy. I therefore submit the memo for orders.

I have etc,

(Signed) K. P. Puttannah Chetti

Deputy Commissioner &
Dist Magistrat

"Copy"

K Maudy

Inspector General of Police

15

1 656

Memorandum.

In my diary for the week ending 11. 6. 1898 I raised the question as to whether a British Police officer could arrest suo motu. I mean without a warrant from a Magistrate in British India, any person in Mysore Territory accused or suspected of having committed a cognizable offence in British India: and was asked to make a separate reference on the subject - hence the present memorandum

The following extract from the diary referred to, gives the facts of the case on which the question was raised;

The Station House officer of Mulbagal reports in his diary of the 7th current that "Constable No. 1055 of the Byrareddipalli "Palamanair Taluk, North Arcot arrested "without a warrant in Mulbagal a Kuruba "named Muniga and another. both resca

in this view I would suggest that the
necessary orders be issued on the subject to
the Magistrates as the Madras Police have
more than once acted in this District in the
same manner as this Berredipalli Policeman
did; and the Taluk Magistrates concerned
quietly acquiesced in the illegal procedure
and remanded the accused to their (Madras
Police), custody

4th July 1898. (sd) C. Handley
Kolar Superintendent of Police

Kolar Dist.

Submitted to the District Magistrate
for orders.

"Copy"
K Chandy
for Inspector General of Police.

INDIAN TELEGRAPH.

Class.

To

Station

From

Station

Words. | Days | Hour | Minute

OFFICIAL INSTRUCTIONS.

TO (Person)

From (Person)

1

2

3

4

5

6

7

8

9

10

11

12

13

14

BANGALORE CENTRAL POST AU.18 98

RECD. FROM L. N.

SENT TO L. N.

At Hrs. Mts. By

At Hrs. Mts. By

Postmaster.

Date

of Mulbagal, on a charge of having kidnapped a girl named Munn aged about or 11 years the daughter of a Kurubar named imma residing within the limits of Bireddi-palli Station and placed them before the Amildar Magistrate for a remand which apparently has been granted.

Section 103 5-8 Criminal Procedure Code empowers a Police officer for the purpose of resting any person accused of a cognizable fence to pursue such person into the limits the local jurisdiction of another Police-fficer etc; but I apprehend that such powers pursuit and arrest without warrant are limited to Districts within British India- ot as the exercise of these similar powers are mited to Districts within the Province - and e section does not authorize pursuit and est without a warrant of an offenders in reign territory. That this is so, is apparent m the following order in force in the adras Police.

Order No. 115. Arrests in foreign Territory.

No

No arrest can take place in foreign Territory without a warrant, and the warrant must go through the regular channel. The proper course to pursue when such a person has taken refuge in foreign territory is to report it to the Magistrate of the District (British) in order that the necessary warrant may issue. At the same time in the case of any grave criminal taking refuge in foreign territory it may frequently be admissable for the Police officer to go to the Head of the Police of the place where the fugitive is, and state all the circumstances in order that the Police of the Territory may be warned to keep an eye on the criminal until the proper forms have been complied with.

It seems clear therefore that the action of the Constable of Byreddipalli station was illegal and that equally illegal under the circumstances was the order of remand passed by the Amildar Magistrate of Mulbagal.

If the District Magistrate agrees with

J 229

Gen. 31.]

1898
1488
19-8-98.

(4)

J 19/8/98

From The District Magistrate
Kolar

To

The Secretary to the Government
~~Durbar~~ of Mysore.
General and Rev Department
Bangalore.

Pof
111 c 98

Dated 18th
Despatched 19 August/98
Received 19
General No. 730 } 1898-99
No. 156

Enclosure No. 1

With reference to his telegram dated 16th instant has the honor to submit herewith copy of reply telegram dated the 18th idem from Kowmg-Pet stating that the arrested persons were removed to Palmaner by the British Police.—

W. Nelson Hutt
District Magistrate

Inded
May this be placed in the file

SECTION Pol

FILE No. 111 of 98

SER'AL No. 27

11

No: 3038/J335 dt 2-9-98

To

The First Asstt to the

Res.t in Mysore

(6)

Sir,

I am directed to state that a constable (no. 1055) of the Bayravedripalli Station, Palamaner Taluk, North Arcot Dt., is reported to have, on or about the 7th of June 1998, arrested without a warrant at Mulbagal (Kolar Dt.) a Kurumbar named Munigan and another, both residents of Mulbagal, on a charge of having kidnapped a girl named Muni, aged about 10 or 11 years, the daughter of a Kurumbar named Thimma, residing within the limits of the Bayravedripalli Station.

The accused persons were taken by the constable before the Amildar Magistrate of Mulbagal and, under a remand granted by that officer, removed to Palamaner

2. The Darbar believe that, in thus arresting the said subject of the Mysore State of his own motion, the Constable in question was acting without authority; and that the proper course to pursue where the arrest of individuals in the State is desired is for the Police in British India to procure a warrant from some competent Magistrate therein and to produce it before the proper Magistrate in Mysore for execution in the manner prescribed by the Notification of the late Chief Commissioner No. 111 of dy the 2nd July 1870

3 Considering that the arrest above referred to took place more than two months ago, and further, that the action of the Amildar Nagar of Mulbagal in remanding the accused to the custody of the British Constable without proper authority was entirely ill-advised, the Darbar do not consider that any action on their part can now be usefully taken in this particular case But having regard to the importance

of

By preventing the recurrence
of similar illegal arrests of
Mysore subjects. I am desired
to request that the Govt of
Madras may be addressed
with a view to their taking
such steps as will secure
that object

2- Copies of the 29th ult are

I have etc

29/8/98

Dated 31st Aug/98
No. 525/49 Copy etc enclosures
are forwarded for
reference of order No
115 quoted by the Police
Supt & published at
Page 93 of Vol I of the
Orders of the Madras
Police published
under authority in
1897 is returned. The
Madras Govt are
communicated to
their address for
information &
guidance — &

30/8/98

D No. 9549 Pol 535

No. 5679 / 320.98 Ens 3 (7) 114

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE

SECTION Pol

FILE No. 111 of 98

To

SERIAL No. 5

The Dewan of Mysore.

2nd Dist. 26 Nov 98

Dated Bangalore, 22 October 189 8.

SIR,

With reference to your letter No 3038 / J. 835 dated the 2nd September last, I am directed to forward, for the information of the Durbar a copy of Proceedings of the Government of Madras No 1541,2 Judicial dated 30th September 1898, stating that the arrest made by the police of North Arcot District in the Mysore Territory and brought to notice in your letter under reply was irregular.

I have the honor to

Sir,

Your most obedient servant

for First Assistant Resident

(Encl 4)

15

Police Orders

(a)

15% In foreign territory No arrest can take place in a foreign territory without a warrant and the warrant must go through the ~~proper~~ regular Channel. The proper course to pursue when such a person has taken refuge in foreign territory is to report it to the Magistrate of the District in order that the necessary warrant may issue and the usual steps may be taken to procure extradition - Vide also P.O. No 510 (4)

Copy attached.

At the same time in the case of any grave criminal taking refuge in foreign territory, it may frequently be advisable for the Police Officer to go to the head of the Police of the place where the fugitive is, and state all the circumstances, in order that the Police of the territory may be warned to keep an eye on the Criminal until the proper forms have been complied with

50(d) The Standing Order by the Government of India on the Subject of the requisition for the surrender of Criminals who have fled from justice out of British India into a Native State is that "where such a demand is made, it Shald be made by an Magistrat not to the State direct, but through the Political Officer, and the demand Shald invariably be accompanied by a copy of any depositions made, or where no evidence has yet been taken by a statement of the information on which the arrest of the offender is deemed necessary. It Shald rest with the Political Agent, if necessary to call on the Magistrate for further information, but if the Political Agent possesses the influence and weight he ought to have, he will Seldom fail to obtain compliance with any reasonable demand made to the Durba to which he is accreditted for the surrender of an absconded Criminal." As to what is a "reasonable demand" the Government of India State that it certainly includes the case of all offences (vide schedule to Act XXI of 1879)

which the arrest and removal of criminals
aping into British India is allowed, and
at some cases outside of that catalogue may
obably be added with propriety. Such instances,
wever, would be exceptional; and the requisitions
r surrender should not be made without the
action of the Governor in Council where the
ence is not one of those mentioned in the
hedule above cited, or where the Political Agent
ubts the reasonableness of the grounds of the
quisition, and the Magistrate of the district
itinues to press it. (Extracted from Government
der, No. 219, Political, dated 12th April 1875).

Copy

Registrar

OR

(8)

SECTION- Pol

111 of 98

L No 6

Read,

Letter no 5679 of 320-98
the 22nd October 1898,
from the 1st Apl to the
Resident in Mysore, for-
-warding a copy of Pro: of
the Govt of Madras, no
1542 Jud., dated 20th Sept
1898, stating that the
arrest made by the Police
of North Arcot Dt
in the Mysore Territory
was irregular.

Not issued in Manuscript
1911-28).

order thereon. 6226-35
of 1911-28) 1668

The foregoing
papers will be communi
-nicated to the
Marginally noted
Officers for their information
-action.

To, The I. G. of Police
in Mysore
All the Dt Magts
The Registr of the Chief
Court of Mysore.

The Registrar
Chief Court of Mysore.

BR
5/11/28
Secy

Proceedings of the Government of Mysore, Judicial, dated 18th November 1898.

READ—

Letter No. 5679—320-98, dated the 22nd October 1898, from the First Assistant to the Resident in Mysore, to the Dewan of Mysore—

With reference to your letter No. 3038—J. 335, dated the 2nd September last, I am directed to forward, for the information of the Durbar, a copy of Proceedings of the Government of Madras, No. 1542, Judicial, dated 30th September 1898, stating that the arrest made by the police of North Arcot district in the Mysore Territory, and brought to notice in your letter under reply was irregular.

GOVERNMENT OF MADRAS, JUDICIAL DEPARTMENT.

READ THE FOLLOWING PAPER:—

From Lieutenant-Colonel D. Robertson, Resident in Mysore, to the Chief Secretary to Government, dated Bangalore, 19th September 1898, No. 4830—320—

I have the honor to forward, for favor of such action as may be deemed necessary, a copy of a letter, No. 3038-J.—335, dated the 2nd instant, from the Mysore Durbar and of its enclosures, bringing to notice an arrest irregularly made by the police of the North Arcot district in Mysore Territory.

2. The case is briefly this. On or about the 7th June last, two subjects of Mysore were arrested without a warrant at Mulbagal in the Kolar district by a constable of the Palmanêr taluk on a charge of having kidnapped a girl residing within the limits of the Byrareddipalli station in the Palmanêr taluk. The accused were taken by the constable and placed before the Amildar-Magistrate of Mulbagal and they were, under a remand ill-advisedly granted by that officer, removed to Palmanêr.

3. The men arrested were, as already stated, accused of having committed kidnapping—an offence for which arrest can be made without a warrant; but the point for consideration is whether such a procedure can be adopted by the British police in Mysore Territory or not. Under Section 58 of the Code of Criminal Procedure, a police officer may pursue into any place in *British India*, any person whom he is authorised to arrest; and this may be done beyond the limits of British India under Section 8 of the Extradition Act, but only in respect of European British subjects in the dominions of princes and States in India in alliance with Her Majesty and of Native Indian subjects of Her Majesty. The persons arrested in the case under notice being subjects of the Mysore State, there seems to be no provision of law to cover the act of the constable.

4. All that was necessary was for the constable to have been armed with a warrant of arrest from a British Magistrate, and such a warrant would have been executed under Notification No. 111, dated the 23rd July 1879, of the Chief Commissioner of Mysore, a copy of which will be found appended to the Madras G. O., No. 1474, Judicial, dated the 13th July 1895.

5. I shall be obliged if a copy of the Madras Police Order No. 115, "Arrests in foreign territory," or the latest order, if any, on the subject, be kindly supplied to this office.

ENCLOSURES.

From the Secretary to the Government of Mysore, General and Revenue Departments, to the First Assistant to the Resident in Mysore, dated 2nd September 1898, No. 3038 J.—335.—

I am directed to state that a constable (No. 1055) of the Byrareddipalli station, Palmanêr taluk, North Arcot district, is reported to have, on or about the 7th of June 1898, arrested, without a warrant, at Mulbagal, (Kolar district), a Kurubar, named Muniga, and another, both residents of Mulbagal, on a charge of having kidnapped a girl named Muni, aged about 10 or 11 years, the daughter of a Kurubar named Thimma, residing within the limits of the Byrareddipalli station.

The accused persons were taken by the constable before the Amildar-Magistrate of Mulbagal, and, under a remand granted by that officer, removed to Palmanêr.

2. The Durbar believe that, in thus arresting the said subjects of the Mysore State of his own motion, the constable in question was acting without authority; and that the proper course to pursue, when the arrest of individuals in the State is desired, is for the police in British India to procure a warrant from some competent Magistrate therein and to produce it before the proper Magistrate in Mysore for execution in the manner prescribed by the Notification of the late Chief Commissioner, No. 111, dated the 23rd July 1878.

3. Considering that the arrest above referred to took place more than two months ago, and further that the action of the Amildar-Magistrate of Mulbagal in remanding the accused to the custody of the British constable without proper authority was itself ill-advised, the Durbar do not consider that any action on their part can now be usefully taken in this particular case. But having regard to the importance of preventing the recurrence of similar illegal arrests of Mysore subjects, I am desired to request that the Government of Madras may be addressed with a view to their taking such steps as will secure that object.

4. Copies of the Inspector General's letter No. 525—49, dated 31st July 1898, and of its enclosures are forwarded for reference. If Order No. 115, quoted by the Police Superintendent and published at page 93 of Volume I of the Orders of the Madras Police, published under authority in 1897, is in force, the Durbar propose to communicate it to their Officers for information and guidance.

From the Inspector General of Police in Mysore, to the Secretary to the Government of Mysore, dated 31st July 1898, No. 525—49—

I have the honor to submit for orders of Government copies of correspondence from the Deputy Commissioner of Kolar, bringing to notice the arrest, without a warrant, by a constable of the North Arcot district police, of Mysore subjects within Mysore Territory for an alleged offence committed in British Territory. As remarked by the District Magistrate, Section 58 of the Criminal Procedure Code does not apply to the present case and the British police are not competent to make any arrest without warrant in the Mysore Territory. If the Government agree in this view, I beg that the matter may be brought to the notice of the Madras Government so as to prevent a repetition of such illegal arrests on the part of the Madras police.

From the Deputy Commissioner, Kolar district, to the Inspector General of Police in Mysore, dated 23rd July 1898, No. 384—108—

I have the honor to forward herewith a memorandum from the Superintendent of Police, Kolar district, regarding the powers of police officers in British India to make arrests in the Mysore Territory without a Magistrate's warrant.

2. Section 58 of the Criminal Procedure Code, which is in force in British India, empowers the British police to pursue an offender whom they are authorized to arrest to any place in British India. In the present case referred to by the Superintendent, the accused who are the subjects of the Mysore State were arrested at Mulbagal by a constable of the North Arcot district on a charge of kidnapping a minor girl, an offence under Section 363, Indian Penal Code. The accused were thus not in British India at the time of arrest, and the procedure adopted by the British Police in acting without a Magistrate's warrant appears illegal.

3. The Foreign Jurisdiction and Extradition Act gives certain powers to British Officers in places even beyond British India, and Section 8 of that Act extends the law relating to the Criminal Procedure to all native Indian subjects of Her Majesty living beyond such limits. Under this extended power the action of the constable would have been legal, if the accused had been the native Indian subjects of Her Majesty, but they were the subjects of His Highness the Maharaja of Mysore.

4. As this is a general question which concerns the whole Province, a definite ruling is necessary for the guidance of the Police and the Magistracy. I, therefore, submit the memorandum for orders.

Memorandum.

In my diary for the week ending 11th June 1898, I raised the question as to whether a British police officer could arrest *suo motu*—I mean without a warrant from a Magistrate in British India—any person in Mysore Territory accused or suspected of having committed a cognizable offence in British India, and was asked to make a separate reference on the subject; hence the present memorandum. The following extract from the diary referred to, gives the facts of the case on which the question was raised:—

"The station-house officer of Mulbagal reports in his diary of the 7th current that a constable No. 1055 of the Byrareddipalli station, Palmaner taluk, North Arcot, arrested, without a warrant, in Mulbagal a Kurubar named Muniya and another, both residents of Mulbagal, on a charge of having kidnapped a girl named Muni, aged about 10 or 11 years, the daughter of a Kurubar named Timma, residing within the limits of Byrareddipalli station and placed them before the Amildar-Magistrate for a remand which apparently has been granted.

"Section 58, Criminal Procedure Code, empowers a police officer for the purpose of arresting any person accused of a cognizable offence, to pursue such person into the limits of the local jurisdiction of another police officer, &c.; but I apprehend that such powers of pursuit and arrest without warrant are limited to districts within British India just as the exercise of our similar powers are limited to districts within the Province, and the section does not authorize pursuit and arrest without a warrant of an offender in foreign territory. That this is so, is apparent from the following order in the Madras Police—

Order No. 115—Arrests in Foreign Territory.

"No arrest can take place in foreign territory without a warrant and the warrant must go through the regular channel. The proper course to pursue when such a person has taken refuge in foreign territory is to report it to the Magistrate of the district (British) in order that the necessary warrant may issue. At the same time in the case of any grave criminal taking refuge in foreign territory, it may frequently be admissible for the police officer to go to the head of the police of the place where the fugitive is, and state all the circumstances in order that the police of the territory may be warned to keep an eye on the criminal until the proper forms have been complied with."

Judicial, dated 18th November 1893.

It seems clear therefore that the action of the constable of Byrareddipalli station was illegal and that equally illegal under the circumstances was the order of remand passed by the Amildar-Magistrate of Mulbagal.

If the District Magistrate agrees with me in this view, I would suggest that the necessary orders be issued on the subject to our Magistrates as the Madras police have more than once acted in this district in the same manner as the Byrareddipalli policeman did, and the Taluk Magistrates concerned quietly acquiesced in the illegal procedure and remanded the accused to their (Madras police) custody.

Order—No. 1542, Judicial, dated 30th September 1893.

The action of the police was clearly irregular, and the Inspector-General will be requested to call the attention of his subordinates to the law on the subject.

2. A copy of Police Order No. 157 will be furnished to the Resident with reference to the request in the last paragraph of his letter.

(True extract.)

G. STOKES,
Chief Secretary.

To—The Inspector General of Police.
The Resident in Mysore (with C.L.)

Police Order.

157. In foreign territory: No arrest can take place in a foreign territory without a warrant, and the warrant must go through the regular channel. The proper course to pursue when such a person has taken refuge in foreign territory is to report it to the Magistrate of the district in order that the necessary warrant may issue and the usual step may be taken to procure extradition—

50 (*d*). The Standing Order by the Government of India on the subject of the requisition for the surrender of criminals, who have fled from justice out of British India into a Native State, is that, "where such a demand is made, it should be made by our Magistrates not to the State direct, but through the Political Officer, and the demand should invariably be accompanied by a copy of any depositions made or, where no evidence has yet been taken, by a statement of the information on which the arrest of the offender is deemed necessary. It should rest with the Political Agent, if necessary, to call on the Magistrate for further information, but if the Political Agent possesses the influence and weight he ought to have, he will seldom fail to obtain compliance with any reasonable demand made to the Durbar to which he is accredited for the surrender of an absconded criminal." As to what is a "reasonable demand" the Government of India state that it certainly includes the case of all offences (*vide* schedule to Act XXI of 1879) for which the arrest and removal of criminals escaping into British India is allowed, and that some cases outside of that catalogue may probably be added with propriety. Such instances, however, would be exceptional, and the requisitions for surrender should not be made without the sanction of the Governor-in-Council, where the offence is not one of those mentioned in the schedule above cited, or where the Political Agent doubts the reasonableness of the grounds of the requisition, and the Magistrate of the district continues to press it. (Extracted from Government Order No. 219, Political, dated 12th April 1875).

At the same time, in the case of any grave criminal taking refuge in foreign territory, it may frequently be advisable for the Police officer to go to the head of the police of the place where the fugitive is, and state all the circumstances in order that the police of the territory may be warned to keep an eye on the criminal until the proper forms have been complied with.

No. 6226-35—J. 668, dated Bangalore, 18th November 1893.

Order thereon.—The foregoing papers will be communicated to the marginally noted Officers for their information

The Inspector General of Police in Mysore.
All District Magistrates.
The Registrar of the Chief Court of Mysore.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Inspector General of Police in Mysore.
All District Magistrates.
The Registrar of the Chief Court of Mysore.

Exd.—H.A.R.

(/

1898-99

GOVERNMENT OF MYSORE

JUDICIAL

PROCEEDINGS

Dated 18*th November* 1898

No. $\frac{6226\text{-}35}{J.668}$

Communicating the Proceedings of the Government of Madras, No. 1542, Judicial, dated 30th September 1898, stating that the arrest made without a warrant by a police constable of the North Arcot district, in the Mysore Territory, was irregular.

MGBPB—9-1-99—200